

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,

Plaintiff,

v.

DAVID BAUGHMAN, et al.,

Defendants.

No. 2:20-cv-01496-DAD-DB P

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT SOLTANIAN'S MOTION FOR
TERMINATING SANCTIONS, AND
DISMISSING DEFENDANT SOLTANIAN
FROM THIS ACTION

(Doc. Nos. 88, 93)

Plaintiff Travell C. Holmes is a state prisoner proceeding in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 14, 2023, defendant J. Soltanian moved for dismissal from this action as a terminating sanction due to plaintiff's failure to comply with a discovery order issued in this case. (Doc. No. 88.) Despite being given additional time to do so (Doc. No. 92), plaintiff failed to file any opposition to that motion. On October 18, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant Soltanian's motion for terminating sanctions be granted and that defendant Soltanian be dismissed from this action. (Doc. No. 93.) Specifically, the magistrate judge concluded that for well over one year plaintiff had failed to provide defendant Soltanian and his counsel discovery responses despite court orders to do so.

(*Id.* at 6.) The findings and recommendations were served upon plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 9.) To date, no objections have been filed, and the time in which to do so has now long since passed.

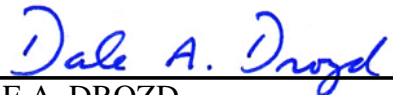
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the pending findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on October 18, 2023 (Doc. No. 93) are adopted in full;
2. Defendant Soltanian's motion for the imposition of terminating sanctions (Doc. No. 88) is granted;
3. Defendant Soltanian is dismissed from this action with prejudice;
4. The Clerk of the Court is directed to update the docket to reflect that defendant Soltanian has been terminated as a named defendant in this action; and
5. The case is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: January 22, 2024


DALE A. DROZD
UNITED STATES DISTRICT JUDGE